THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 5430 of 2006

O r d e r:

The petitioner while working as Senior Manager with the respondents-Bank, the respondents-Bank issued Voluntary Retirement Scheme-2000. Though the petitioner opted to take voluntary retirement, his request was not considered. While so, the respondents-Bank vide orders dated 06.09.2005, deputed the petitioner to Sri Venkiateswara Grameena Bank, Chittoor, as Inspector of Branches. The petitioner states that as the respondents-Bank in the guise of deputation, sought to transfer him, he made representation to the respondents-Bank to cancel the orders of deputation and requested to accept his VRS. When there was no response, he preferred appeal. While so, the respondents-Bank, vide orders dated 14.11.2005, cancelled the deputation orders, and posted the petitioner as Senior Manager in Guntur of Vijayawada Circle. Thereupon, the petitioner made representation to the respondents-Bank to cancel the orders posting him to Vijayawada Circle and retain him at Hyderabad and to accept his VRS. As there was no response, the petitioner filed appeal before respondent No.1, and while the appeal is pending, it is the case of the petitioner that respondent No.4 issued proceedings dated 13.03.2006, informing the Chief Manager, Indian Bank, Guntur, that they have relieved him from Circle Office, Hyderabad with instructions to report for duty at Guntur. Assailing this order, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that the respondents-Bank, in the guise of deputing him to Sri Venkateswara Grameena Bank, sought to transfer him from Hyderabad. Though the respondents-Bank on the representation of the petitioner cancelled the deputation orders, but posted him to Guntur of Vijayawada Circle. He submits that as his representation to retain him at Hyderabad and accept his VRS, did not evoke any response, he filed appeal before the Executive Director, and while the same is pending, respondent No.1 issued the impugned order informing the Chief Manager, Indian Bank, Guntur, that the petitioner has been relieved, which is illegal and arbitrary. She submitted that the petitioner is aged 57 years, and as per the Transfer Policy, transfer of officers, aged at 55 years and above, should be avoided, and endeavour should be made to post the officers who are due to retire within three years at the places of their choice, and though the petitioner is over and above 55 years of age, yet the respondents-Bank in contravention of the Transfer Policy, have transferred him from Hyderabad to Vijayawada Circle, which is illegal and arbitrary. She thus prayed for appropriate directions.

The learned Senior Counsel appearing on behalf of the respondents-Bank

submitted that the respondents-Bank had in the year 2001 itself informed the petitioner that his application for VRS was rejected. He submitted that the petitioner, as a matter of right, cannot seek retention at a particular. As the petitioner did not show inclination to go on deputation to Sri Venkateswara Grameena Bank, the respondents-Bank cancelled the deputation orders, and posted him to Vijayaswada Circle. The request of the petitioner to retain him at Hyderabad, was forwarded to the Head Office, and the Head Office have taken a decision on 06.02.2006, to relieve the petitioner, communicated vide their letter dated 21.02. 2006, and in pursuance of the said decision, respondent No.4 issued the impugned order, informing the Chief Manager, Indian Bank, Guntur that the petitioner has been relieved, and no exception can be taken thereto. He submits that the petitioner has been transferred on administrative exigencies, and as a matter of right, cannot seek his retention at a particular place, and more so when he has completed more than five years at the present place. He thus prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Senior Counsel for respondents-Bank.

Transfer is an incidence of service, and this Court normally, would not interfere with such transfer orders, unless it is shown that the transfer orders are fraught with *mala fides* or have been issued in violation of the statutory provisions (See **Union of India v. S.L. Abbas**). Though the petitioner is aged about 57 years, and as per the Transfer Policy, officers aged at 55 years and more or who are due to retire in three years, can seek posting at the place of their choice, the fact remains, the choice of such posting is subject to availability of vacancies. At any rate, Transfer Policy, merely guides the discretion of the administrative authorities in matters of transfer, and they do no confer any right on the employees to be continued at a particular place or not to be transferred from one place to another, and more so when such transfer, is sought to be made on administrative grounds.

The petitioner, it is stated by the respondents-Bank, has been working in Hyderabad Circle for the last more than five years. Though the petitioner applied for VRS, his application was rejected. While working in Hyderabad Circle, the petitioner was ordered to go on deputation to Sri Venkateswara Grameena Bank, Chittoor, but on his representation, the deputation orders were cancelled by the respondents-Bank. While canceling the deputation orders, the respondents-Bank posted the petitioner to Guntur Branch in Vijayawada Circle, but the petitioner instead of joining in Vijayawada Circle, sought to retain him at Hyderabad, but the same was refused by the respondents-Bank.

Though the petitioner contends that pending appeal, respondent No.4 could not have issued the impugned proceedings, relieving him from Hyderabad Circle, the fact remains, the said orders came to be passed pursuant to the orders of the General Manager. Be that as may, it is the case of the respondents-Bank that the petitioner, having regard to his experience, has been transferred on administrative exigencies, and the petitioner having worked at the present place for more than five years, and he having been posted to Vijayawada Circle on his failure to join in the deputation-Bank, cannot contend that he should be retained only at Hyderabad and

not posted to any other place.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 28th April, 2006.

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